

NOTICE OF REMOVAL

3. The claims asserted by the Plaintiff in its Complaint and the liability of FedEx, if any at all, are governed by principles of federal common law applicable to shipments made in interstate commerce by a federally certificated air carrier such as FedEx. *See Nippon Fire & Marine Ins. Co., Ltd. v. Skyway Freight Sys., Inc.*, 235 F.3d 53, 59 (2d Cir. 2000) (citing *Read-Rite Corp. v. Burlington Air Express, Ltd.*, 186 F.3d 1190 (9th Cir. 1999)). As such, this Court

has original jurisdiction over the subject matter of this civil action pursuant to 28 U.S.C. § 1331, and this civil action may be removed pursuant to 28 U.S.C. § 1441(b). *See Nippon*, 235 F. 3d 53, 59 (2d Cir. 2000) (citing *Sam L. Majors Jewelers v. ABX, Inc.*, 117 F.3d 922 (5th Cir. 1997)).

4. The Defendant may, under section 1441 of the Judicial Code, 28 U.S.C. § 1441, remove this action to this court because this is a civil action of which the district courts of the United States have original jurisdiction that is brought in a state court.

5. Attached hereto as Exhibit “B,” is a true and correct copy of the complaint filed in this action in the the Stow Municipal Court, Summit County, Ohio under Case No.: 2019CVF04092.

6. A Notice of Filing of this Notice of Removal is being concurrently filed with the the Stow Municipal Court, Summit County, Ohio.

WHEREFORE, FedEx prays that this civil action be removed to this Court from the the Stow Municipal Court, Summit County, Ohio.

Dated: This the 30th day of January, 2020.

Respectfully Submitted,

s/ Colleen Hitch Wilson
Colleen Hitch Wilson
FEDERAL EXPRESS CORPORATION
3620 Hacks Cross Road, Bldg. B, 3rd Fl.
Memphis, TN 38125
Telephone: (901) 434-8338
Fax: (901) 434-4523
chitchwilson@fedex.com

Attorney for Federal Express Corporation

CERTIFICATE OF SERVICE

I, do hereby certify, that a true and correct copy of the foregoing document was electronically filed using the Court's CM/ECF system and sent via FedEx Express, this the 30th day of January, 2020, to:

Gregg D. Garfinkel
DENMAN & LERNER CO., LPA
8039 Broadmoor Rd., Suite 21
Mentor, OH 44060

/s/Colleen Hitch Wilson, Esq.
Colleen Hitch Wilson, Esq.